

BEFORE THE  
POLLUTION CONTROL HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF  
TACOMA SCHOOL DISTRICT NO. 10,

Appellant,

vs.

PUGET SOUND AIR POLLUTION  
CONTROL AGENCY,

Respondent.

PCHB No. 278

FINDINGS OF FACT,  
CONCLUSION AND ORDER

A formal hearing on this appeal of Tacoma School District No. 10 to a Notice of Civil Penalty of \$50.00 for an alleged smoke emission violation came on before the Pollution Control Hearings Board, all members present, with Walt Woodward presiding in Tacoma, Washington on April 30, 1973.

Appellant appeared by and through its attorney, R. A. Monaghan; respondent appeared by and through its attorney, Keith D. McGoffin.

On the basis of testimony heard and exhibits examined, the Pollution Control Hearings Board prepared Proposed Findings of Fact, Conclusion

1 and Order which were submitted to the appellant and respondent on  
2 May 11, 1973. No objections or exceptions to the Proposed Findings,  
3 Conclusion and Order having been received, the Pollution Control  
4 Hearings Board makes and enters the following:

5 FINDINGS OF FACT

6 I.

7 On December 27, 1972, there was a plume of smoke emitting from  
8 the boiler stack of the Morgan M. McCarver School of Tacoma School  
9 District No. 10, Pierce County, Washington, of a shade equal to that  
10 of Number 5 on the Ringelmann Chart for a period of at least 18  
11 consecutive minutes in one hour.

12 II.

13 The school custodian had difficulty that morning in his attempts  
14 to get a "clear fire". Accordingly, he shut down the oil burner (of  
15 the power boiler type), made certain maintenance repairs, reignited  
16 the fire and observed a clear fire. He then left the boiler room  
17 to engage in training instruction of another employee. While he was  
18 gone, respondent's inspector observed the smoke emission and so  
19 notified the custodian who immediately adjusted the pressure  
20 regulator and stopped the smoke.

21 III.

22 Section 9.03(a)(1) of respondent's Regulation 1 makes it  
23 unlawful to cause or allow the emission of an air contaminant darker  
24 in shade than Number 2 on the Ringelmann Chart for more than three  
25 minutes in any hour, but Section 9.03(c)(1) excuses what would  
26 otherwise be a violation when the smoke emission is for a period  
27 of not more than 15 minutes in any one hour.

FINDINGS OF FACT,

CONCLUSION AND ORDER

IV.

Appellant has been most cooperative in its past relationships with the Puget Sound Air Pollution Control Agency in its efforts to control and minimize air pollution.

From these Findings, the Pollution Control Hearings Board makes this:

CONCLUSION

Appellant violated respondent's Regulation 1.

ORDER

The appeal is denied, but the civil penalty is suspended if appellant does not violate respondent's Regulation 1 for six months from the date of this Order.

DONE at Lacey, Washington this 14th day of June, 1973.

POLLUTION CONTROL HEARINGS BOARD

Walt Woodward  
WALT WOODWARD, Chairman

W. A. Gissberg  
W. A. GISSBERG, Member

James T. Sheehy  
JAMES T. SHEEHY, Member